(1) (4)

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. (S) No. 6697 /2006

Petitioner : Annes Joseph
Aged about 43 years
S/o Shri Issac Joseph
Asst. Teacher Govt. Primary School School Hirri Mines,
Block – Thakatpur,
Dist : Bilaspur-(C.G.)
R/o Bilaspur, Dist : Bilaspur-(C.G.)

P.R. No. 6827/06
Presented by Shri A. Soni
dated 28-11-06

Versus

Respondents :

1. State of Chhattisgarh
Through : The Secretary
Department of Education,
Mantralaya D.K.S. Bhawan
Raipur (C.G.)

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2. The Director Public Instruction, Raipur-(C.G.)

3. The District Education Officer, Distt : Bilaspur-(C.G.)

4. The Block Education Officer, Takhatpur, Dist : Bilaspur-(C.G.)

CAT'H COMMISSIONER
APARNA MALVIYA
CG-2[illegible]/96
27/11/06
Bilaspur Chhattisgarh

WRIT PETITION UNDER SECTION 226 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 6697 of 2006

Petitioner : Annes Joseph
Versus
Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Shri Ashok Soni, Advocate for the petitioner.
Miss Sunita Jain, Panel Lawyer for the respondents/State.

ORDER

(Passed on this 22nd day of February, 2007)

1. The petitioner was appointed as Assistant Teacher on fixed pay of Rs. 300/-. After completion of one year's probation, he was granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

(384)

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur